IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5859 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ASHOK RAMESHBHAI RAVAL (MINOR) & 2 - Petitioner(s)
Versus
VINUBHAI RANCHHODBHAI PRAJAPTI & 2 - Respondent(s)

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Appearance :
MR HARSHADRAY A DAVE for Petitioner(s) : 1 - 3.
DS AFF.NOT FILED (N) for Respondent(s) : 1 - 2.
MR RAJNI H MEHTA for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 04/04/2007

ORAL JUDGMENT

Rule. Mr. RH Mehta, learned advocate for respondent no. 3 waives service of rule. Presence of respondents no. 1 and 2 is not required since this petition is only filed for disbursement of the award amount which has been deposited by the insurance company with the concerned Tribunal. Insurance

company has not challenged its liability to pay the compensation since this is the award based on compromise arrived at between the parties.

2. On submission of compromise pursis, copy thereof is annexed at Annexure-A collectively and it is at page 11 of the compilation of petition, the Motor Accident Claims Tribunal, Kheda at Nadiad has passed award in M.A.C. Petition No. 599 of 2002 dated 1/11/2004. By the said award the petitioners have been granted compensation of Rs.2,02,000/- and the insurance company has been directed to deposit the same, which has already been done by it. It appears that inspite of the said order, the amount has not been invested in the fixed deposit as stated by Mr. Harshadray A Dave, learned advocate for the petitioners. If that be so, the Tribunal is directed to invest the entire amount standing the name of minor petitioner – Ashok Rameshbhai Raval in fixed deposit as per the direction contained in its aforesaid award. The Tribunal is further directed that it will disburse 30% of the award amount together with proportionate costs and interest standing in the names of petitioners no. 2 and 3 each by account payee cheque after due verification and invest the balance amount in the fixed deposit as per the directions contained in its aforesaid award.

With this direction, this petition is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

[Akshay H Mehta, J.]

* Pansala.